

**Minutes of the Carlisle Board of Health
February 28, 2012**

Present: Board members Jeff Brem (Chairman-arrived late), Mark Caddell, Bill Risso, Cathy Galligan; Absent: Donna Margolies; also present Linda Fantasia (Agent), Anne Marie Brako (Mosquito),

The meeting was called to order by Vice Chairman Caddell at 7:00 p.m.

PH (continued) 125 BELLOW HILL ROAD –replacement of failed septic system. Waiver Request: 15.405 (Title 5) Local Upgrade Approval – separation to groundwater.

The hearing had been continued from 1/31/12. Michael DiModica, engineer, was again present on behalf of the owners (Dustin Wesson and Elizabeth Wesson).

DiModica said that the system was enlarged to comply with local requirements for a three bedroom system (495GPD). The closest distance between the leaching area and the side lot line is approximately 12 ft. At the last meeting, the Board asked to have the side lot line surveyed. DiModica said he had verified the distance from the leaching area to the adjacent property by measuring 250' from a stone wall at the front of the property. This put the closest part of the leaching area approximately 12' from the side lot line. The Board was not pleased that the line had not been surveyed as required. Abutters had expressed concern about this boundary in case trees needed to be removed. DiModica said that Title 5 requires a surveyed line when the system is less than 5' from a property line. The Board said that this situation was unique due to the contours of the site. DiModica said he had measured off a stonewall. Even if the wall was 3' wide, the discrepancy would still keep the leaching field within the property area. The Board accepted his reasoning. The Board had also asked to have the plastic covers replaced with cast iron. The Board was concerned that the covers would fracture from vehicular traffic. DiModica said the location of the tanks would make it unlikely that a vehicle would drive over them. This is a Waterloo Biofilter system which requires regular inspections. He had spoken with the company. Plastic covers allow easy access which is why they are required. The covers need to be at grade for sampling. Having three cast iron covers at grade would be unattractive. Metal covers could cause injury to anyone walking or running in the yard. The Board asked if ballords could be installed to mark off the area of the tanks to prevent vehicular traffic. Even a small riding mower might crack the covers. DiModica agreed to check with the owners. DiModica said the Conservation Commission had some minor changes for the siltation barrier and stockpiling of material which he will address. There was also a question of runoff onto the street which might be directed to a nearby wetland. The Board agreed that Conservation will address this.

It was moved (Risso) and seconded (Galligan) to close the public hearing. It was moved (Risso) and seconded (Galligan) to approve plan entitled "Subsurface Sewage Disposal System Repair for 125 Bellows Hill Road, prepared by M. J. DiModica, revised 11/25/11" and grant a waiver under 310 CMR 15.405 Local Upgrade Approval for a two foot separation to groundwater (four feet required) using alternative technology systems and conditional upon Conservation Commission review of work in the buffer zone and the installation of ballords or acceptable equivalent to delineate the plastic extension covers over the septic tank and pump chamber to prevent vehicular traffic. Motion passed 3-0-0 (Brem, Margolies absent).

301 CONCORD STREET – addition. Appearing before the Board was owner Melissa McMorrow. (Brem arrives)

McMorrow requested a room count for a proposed renovation. The septic system was installed in 1969 for an existing house. There is no permit on file to identify design flows. The previous owner hired an engineer to calculate capacity (by Acton Survey & Engineering in 2000) resulting in an estimated a six bedroom capacity. The system passed a Title 5 Inspection on 2/22/12. The two story dwelling currently has a total of nine rooms including four bedrooms. The proposed renovation consists of combining a first floor bedroom with the living room, enlarging the kitchen by expanding the foundation, adding two new bedrooms and expanding an existing bedroom on the second floor. Fantasia and Rob Frado had reviewed the proposed plan. The room count will remain nine. Due to the age of the system and lack of documentation on the original design flows, they agreed the Board should make the determination. Although there are only nine rooms in the house, a first floor study is currently being used as a bedroom and could continue to function so for future owners. A Title 5 Inspection was done on the system and it is

functioning. Fantasia said the Board had the option of requiring a proof plan if capacity was still a question. The purpose would be to show that a fully compliant system could be sited to avoid having an owner create their own hardship. The case did not seem to warrant the extra expense. Fantasia said it was not unusual for systems designed in the 1960's by Nelson Engineering to be oversized. There are other similar systems in town.

The Board reviewed the plan and agreed that the proposed renovation would not increase the room count. The system is functioning and the proposed foundation will maintain all setbacks. The Board agreed that all Title 5 issues were addressed for the proposed building permit and a letter will be sent to the Building Inspector.

CARLISLE ANIMAL INSPECTORS - Larry Sorli and Deb Toher met with the Board. Sorli said there are about 65-75 barns in town that get inspected each year. All of the barns and animals are in excellent shape. Carlisle animal owners take very good care of their livestock. If a minor problem arises they are usually successful in resolving it. Brem asked whether they observed problems with manure stockpiles. Sorli said they rarely have problems. Most owners have the manure removed on a regular basis. He and Toher look for wetlands when they visit properties. Brem asked if they could locate wells on the inspection report. Sorli said they use a state form which they cannot change. They do not always know where the well is unless it has an above ground well cap. In the 5-6 years they have been doing inspections the only problems have been for nuisances such as odors and flies. Sorli said chickens can be a problem because the manure is not collected and builds up. This is especially true if owners do not remove older chickens that no longer lay eggs. All chickens must be kept inside a coop to prevent wildlife attacks. Brem asked about safety issues. Sorli said occasionally animals escape. Toher is also the Field Driver so she assists with these calls. This has happened more frequently at one property and Toher has been working with Fantasia to address the problem. Sorli and Toher said they have a very good relationship with the health department. Fantasia agreed that the Inspectors do a great job and animal owners are happy with their work. Sorli said it is a team effort that also includes Dog Officer Bob Dennison. He works with Dennison on quarantines. Sorli and Toher travel together since the inspections are unannounced and involve animals. Sorli asked the Board to consider a fee increase for next year. The fee has been \$25 for the last five years which is split by the inspectors. The cost of gas has increased. The Board agreed to consider raising the fee for next year. The Board thanked Sorli and Toher for their good work.

FOSS FARM COMMUNITY GARDEN WELL – Jack O'Connor, garden manager, and Lee Tatistcheff of the Conservation Commission were present for the discussion. Mark Duffy and Jen Bush were also present.

O'Connor explained that the garden is proposing decommissioning a failed shallow well and replacing it with a new point well. There are six hand pumped wells for watering. They are not to be used for drinking water. The Board had concerns that the new well was being placed within 50' of the agricultural area where Duffy grows corn. He will be applying Glyphosate, an herbicide similar to Roundup, to the soil. O'Connor explained that the wells are located in order to provide easy access to the gardeners. That particular side of the garden is very hot and dry during the growing season. Gardens require a lot of water in that area which determined the well placement. The Board felt that this was an opportunity to locate the well to avoid potential health risks. O'Connor asked what the Board would do about the other wells that were only 50' from the field. The Board will deal with those as needed. O'Connor said an alternative location would be too close to the parking area. O'Connor said Glyphosate (Roundup) binds to the soil. Tatistcheff provided the Board with scientific articles showing that Roundup is less toxic than most herbicides. O'Connor felt the Board's decision was subjective and not science based. He was not aware of any scientific correlation of Roundup and groundwater contamination. He would be willing to test the wells. Galligan felt it was appropriate for the Board to be cautious about the use of Roundup. Risso and Caddell agreed. Duffy said the field has been used for agriculture for 23 years. He is a licensed pesticide applicator. He will be applying Glyphosate not Roundup. There is no setback to wells for this product. It is similar to Roundup which is used on parks and recreational fields. It is a very safe product that is commonly used. He is concerned that the Board's action might lead to similar concerns about farming in town. Duffy said that both he and the gardeners are growing food products and take growing seriously. He has always had a good relationship with the gardeners. The Board argued that it was not their intention to impede the garden activity, but it was an opportunity to reduce any potential health risks. This will be a point well approximately only 12' deep. Risso said there was data that showed a 20-25 day half life in soil for Glyphosate. The town has chosen not to use Roundup on trails and pathways. Increasing the buffer from the well to the corn field makes sense.

Brem asked if the WQS had information. Mariano Jr said he had done some research on Roundup years ago. It does bind to the soil and is not likely to migrate to the aquifer. Harmful exposure would have to come from direct contact such as spraying it on the produce. Jen Bush said she has been gardening at Foss for 16 years. There has never been a problem with drift from the nearby agricultural fields. If there had been, the plants would have been harmed. The Board was pleased that Mariano was able to provide some expert advice about the product. The Board felt better about the proposed location of the well.

It was moved (Caddell) and seconded (Risso) to approve the proposed location as shown on plan submitted for the new irrigation well #6 at Foss Farm. Motion passed 4-0-0.

WATER QUALITY SUBCOMMITTEE – members present were Tony Mariano Sr. Tony Mariano Jr, Vallabh Sarma, and Steve Hinton. Town Clerk Charlene Hinton swore in the members for an unspecified term.

Brem explained that the Board had been remiss in not reaching out to the subcommittee sooner. It has been a number of years since they had met. The Board is looking into protecting water quality and resources for the town. Occasionally the Board is faced with an issue such as the use of fresh animal bedding as compost at the community gardens, whether the town needs a Public Water Supply (PWS), and the impacts of Chelmsford's request to draw from the Bog. The Board would like to involve the WQS and their expertise in these matters. Mariano Sr. said there have been technological advances that would provide better information on potential aquifers for planning purposes. When the town decided not to purchase the area of the Davis Road development, it lost out on one of the best glacial outwash plains available. These outwash plains have tremendous potential for a water supply. Hinton said the town has secured water rights on the former O'Rourke land. The town purchased the property and sold all but a Water Rights Area to the Division of Fish and Wildlife which is now part of the National Wildlife Refuge. Two sites were tested. A contingent water rights area was eventually released for sale when testing results proved inadequate. Fantasia said the pump test reports are available. Mariano Sr said Page Brook Road and possibly Foss Farm have potential since they are next to the river. Brem said that it is good that Carlisle has options at least on paper. The Town of Chelmsford has limited options which are why it is looking to access the Cranberry Bog watershed. He would like Carlisle to do some preplanning for a PWS be necessary. Hinton said that with improved technology there is very little that could not be filtered out of a private well. It would take a catastrophic event to make the water supply undrinkable. Brem said there was such an event in another town following a fire at land fill.

Brem asked the committee members about their backgrounds. Mariano Sr. said he is a geologist by training involved in mineral exploration. He has been doing a lot of work in Brazil. He said there have been a number of geological studies in Carlisle such as the Caldwell Report. He was instrumental in locating the current Transfer Station years ago based partly on this information. Mariano Jr. said he is also a geologist and worked for 20 years as a petroleum consultant. He is now doing mineral research. Brem said the town occasionally incurs hazardous waste incidents such as the oil spill on South Street. Hinton said he was a sanitary engineer who taught environmental engineering at Tufts U. He changed career paths and now focuses on business IT services. Sarma has a degree in electrical engineering, IT and business. He enjoys researching issues which he hopes will be helpful.

The Board then discussed the upcoming voluntary town wide testing. This is done every two years in May. Owners may select which tests to do. Over the years the town has gained information on a number of properties. Fantasia questioned whether this was helpful since there is no way to analyze the paper records. The Board and WQS agreed it was still worth doing. Fantasia said the Board usually tests the same six private wells in the center which were impacted with MTBE as a result of the gasoline spill at the former Daisy's Station. Levels have been dropping but some still exceed acceptable limits. One of the problems is that owners are not maintaining their filtration systems due to the costs. The six wells are tested for VOC's and standard analytes including Nitrates. WQS members said it makes sense to continue testing in the center if only because of the density. The Board asked about the monitoring wells in the center. Fantasia said all but one is lost or inaccessible. Mariano said this is not unusual for this type of well. Brem noted that Ferns (formerly Daisy's) is now a PWS and has had no problems. The well and septic are inspected every May. Fantasia said DEP/DCR had created a GIS layer of well locations, depths to bedrock and pump rates which are available to Carlisle. The Town's GIS is not functioning due to IT problems. The WQS agreed that this would be very valuable information to access. Hinton offered to investigate the GIS problems. Hinton also noted that another potential water area was reserved at the Hart Farm development. No testing was ever done.

The Board agreed that the WQS should look into water supply and water quality resources for the town. The Board would be willing to contribute some seed money if needed. The WQS agreed to meet and start this process.

MEDICAL RESERVE COMMITTEE – Mary deAlderete, co-chair, met with the Board. A recent meeting of the MRC Ex. Committee discussed how to spend the remaining grant funds (\$204). It was agreed to hold a training and recruitment event for volunteers. Refreshments would be served. The Committee also liked the idea of sponsoring an emergency preparedness panel consisting of the Carlisle Local Emergency Planning Committee. Any leftover funds would be used to help the town pay for the emergency notification system.

TOWN MEETING WARRANT ARTICLES – Larry Barton, Finance Director, met with the Board.

53E ½ Account - Barton explained that he had met with Risso and Galligan following the Board's memo on the status of the 53E ½ account. The Board was concerned that the balance in the account was too low to cover current obligations. For many years the account had a high balance because of new applications. With the down turn of the economy permit fees have decreased whereas existing expenses continue. This type of drawdown jeopardizes the purpose of the account which is to hold funds until the expenses are incurred. Barton said this process may need to be managed differently. The Board had asked that the 10% "giveback" to the General Fund (GF) be returned and Barton agreed. It is not possible to do this for FY11 because the books have closed. An estimated \$1380 will be returned. Traditionally septic licenses have gone to the GF and Barton does not want this to change. His projections for FY12 were based on these fees. If they were reassigned to the 53E account, the Town would need to find this money somewhere else. Barton said the Fincom has agreed to restore \$5K to the Board's operating account. For the last two years the Board has been supplementing this account with grant money from the septic loan program. There is not enough left to continue this for FY13.

Public Health Fund – Barton proposes to ask Fincom to fund this with \$2K for FY13 rather than set up a revolving account. The Board had explained that it may need some upfront funding to purchase vaccine for a flu clinic or sponsor an event. A revolving account could be used to hold funds. Barton felt revolving accounts were difficult to manage and had suggested a separate warrant article which would survive the fiscal year and be replenished as needed. The only requirement would be a specific purpose for the article. "Public Health" is too broad. The Board agreed to come up with wording. Fincom will decide whether to fund this next Monday.

Septic Loan Program – Barton explained that the Town took out a line of credit from the Mass Water Pollution Abatement Trust (MWPAT) in the amount of \$200K in 2009. The note matures on 10/1/12 and will need to be paid back. Currently there is \$66,000 outstanding in betterments. Rather than bond a 20 year note to cover the outstanding balance, Barton would prefer to pay it back in full. The town would eventually be reimbursed as the betterments were paid. This would end the loan program unless the Town requests a second loan. There is no guarantee that the second loan would be interest free for the first three years. Based on the activity of the program, Barton did not feel the program warranted the work involved. Only five loans have been issued. Two have been paid off. The program was based on the town borrowing money from MWPAT for a 20 year period to offer loans to homeowners that would be paid back with a 10-year betterment. This would allow interest to accumulate to cover costs of the program. Because two of the five loans were short term and paid off when the properties sold, there was no interest accrued to offset administration costs to the town. Barton felt owners were using the program as "bridge" loans until properties could sell. The Board agreed that this was not the purpose of the loan. The program was also supposed to be cost neutral to the town. Galligan was not in favor of continuing the loan under these conditions. (Galligan excused herself from the meeting). Risso did not support continuing the program. Barton has requested a warrant article to pay off the current balance. He would work with the Board the following fiscal year to see if town funding could be made available to help needy residents. Nothing can be in place for this year. Concord has a very active program but it is used to cover the costs of tying into the town's sewer system. Barton recommended letting the program lapse. Galligan agreed that it was not intended to provide bridge loans. Risso said the Board had promised the town there would be no cost to the town. Caddell was in favor of keeping the program. Brem would also like to keep the program. Although it may be misused by some owners, there is an overall environmental benefit in replacing failed systems. Some owners may not be able to obtain private financing or have sufficient equity in their home to do this. Owners should not have to sell their homes to repair failed systems. Risso said if the town could charge a pre-payment penalty to cover administration costs it would be better.

Market interest rates are so low now, that most owners prefer private financing. The Board agreed that this could change. The Board agreed to ask DEP (1) if another \$200,000 loan would be interest free for three years; (2) can the town impose a pre-payment penalty to cover administrative costs (3) can the town put the program on “hold” and keep the current loan amount. Fantasia will follow up with Nihar Mohanty, DEP’s program coordinator. Barton will check with town counsel and his financial advisor.

BILLS – It was moved (Risso) and seconded (Brem) to pay the bills as presented. Motion passed 3-0-0.

There was no further business discussed. Meeting voted to adjourn at 10:15 pm.

Respectfully submitted,

Linda M. Fantasia,
Recorder